IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3883 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 3884 OF 2005

M/s. Shan Tex Selections & Ors. ...Applicants

Versus

State of Maharashtra & Ors. ...Respondents

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Mr. Rajender Singh i/b Suresh Jain, Advocate for Applicants.

Mr. S.R. Shinde and D.P. Adsule, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 30TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The applicants have prayed for quashing of proceedings in Criminal Case Nos. 189/S/1997 and 196/S/1997, which is pending in the Court of learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai. In the said case, process has been issued against the applicants under Section 420 of I.P.C. The applicants had preferred an application for recalling or process before the concerned Magistrate. The said application came to be rejected by the learned Magistrate. Being aggrieved thereby, the applicants have approached this Court.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be filed within a period of four weeks from today. In view of this statement the trial Court shall not proceed with the trial for a period of four weeks from today. It is clarified that the revision shall be referred in respect of the Magistrate issuing process and not in respect of challenging the order of the Magistrate rejecting the application of the applicants for recalling of process.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal applications are disposed of.

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